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Legal Deposit Copy Act

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Chapter 1 General provisions

§ 1. Scope of regulation and purpose of Act

(1) This Act shall establish the procedure and conditions for submission to a legal deposit copy of a publication published, distributed or made accessible to the public in the Republic of Estonia and the digital dataset used for the production thereof (hereinafter output-ready file) and for preservation and making accessible of a legal deposit copy, the compilers of registration and official statistics of legal deposit copies and supervision over the compliance with the law.

(2) The purpose of this Act is to ensure the creation, long-term preservation and consistent making accessible of the most comprehensive collection of the publications which are essential to the Estonian culture and their output-ready files if other copies of the publications are not available.

(3) The provisions of the Administrative Procedure Act shall apply to the administrative proceedings prescribed in this Act, taking account of the specifications of this Act.

§ 2. Scope of application of Act

(1) This Act shall apply to a publication printed (hereinafter printed publication) and other publication on physical media (hereinafter together publication on physical media) by a citizen of the Republic of Estonia, a legal person registered in the Republic of Estonia or a natural person staying in Estonia, which complies with the following requirements:

- 1) the number of its copies is over 50;
- 2) it is distributed in the Republic of Estonia or it is distributed outside the Republic of Estonia but is essential to the Estonian culture.

(2) This Act shall apply to a web publication made publicly accessible through a technical device or process (hereinafter web publication), which, for the purposes of the Copyright Act, has been made publicly accessible:

- 1) in the domain.ee or another top level domain geographically linked to Estonia;
- 2) in another top level domain and is essential to the Estonian culture;
- 3) by a citizen of the Republic of Estonia, a legal person registered in the Republic of Estonia or a natural person staying in Estonia and is essential to the Estonian culture.

(3) This Act shall apply to the output-ready file of a printed publication.

(4) This Act shall apply to the output-ready material used for preparing a presentation copy of such a film (hereinafter output-ready material of a film) that is produced or co-produced and distributed or co-distributed by a citizen of the Republic of Estonia or a legal person registered in the Republic of Estonia and is essential to the Estonian culture.

(5) This Act shall also apply to a publication of identical content but in different form or format.

§ 3. Publications and their output-ready files to which this Act does not apply

(1) The Act does not apply to the following publications and their output-ready files:

- 1) price list, business card, invitation card, form, event ticket, packaging and label;
- 2) unaltered impression;
- 3) a database whose preservation is provided for by other legislation;
- 4) real-time streaming of web publication;
- 5) web publication requiring an unreasonable large amount of data for preservation regarding its content.

(2) The minister responsible for the area shall establish by a regulation, in addition to the provisions of subsection (1) of this section, the categories of web publications containing negligible information for the Estonian culture and publications with low-volume informative contents and text or published in relation to a one-time event and with short-term importance (hereinafter ephemera) to which this Act does not apply.

(3) The National Library of Estonia shall make a proposal to the minister responsible for the area for determining the categories of web publications and ephemera containing negligible information for the Estonian culture. Upon making a proposal the National Library of Estonia shall involve sectoral experts, including representatives of memory institutions.

§ 4. Legal deposit copy

A legal deposit copy is a publication on physical media and web publication (hereinafter together publication) and the output-ready file of a publication issued on physical media, which shall be preserved for fulfilment of the objectives of this Act.

Chapter 2

Submission of publication and its output-ready file to legal deposit copy

§ 5. Depositor of publication and its output-ready file to legal deposit copy

The depositor of the publication and its output-ready file to a legal deposit copy is:

- 1) the producer or compiler of the publication issued on physical media (hereinafter producer);
- 2) the person organising the issue of the publication (hereinafter issuing body) if the appendixes belonging to the set of the publication on physical media are not produced by the producer;
- 3) an issuing body of a publication on physical media produced in a foreign state and distributed in Estonia;
- 4) an issuing body or producer of a web publication if the issuing body has reached an agreement with its producer;
- 5) the issuing body or producer of the output-ready file of a printed publication if the issuing body has reached an agreement with its producer;
- 6) the producer or co-producer of the output-ready material of a film.

§ 6. Requirements for publication and its output-ready file submitted to legal deposit copy

The publication and its output-ready file submitted to a legal deposit copy shall be complete and contain all the appendixes.

§ 7. Manner of submission to legal deposit copy

(1) A publication on physical media shall be submitted to the National Library of Estonia by the transfer thereof.

(2) The National Library of Estonia shall archive a freely accessible web publication specified in clauses 2 (2) 1) and 2) of this Act by means of web harvester by downloading the web site together with the elements required for display and recording in archives (hereinafter web archiving).

(3) If it is not possible to make a copy of the web publication specified in clauses 2 (2) 1) and 2) of this Act upon web archiving from the web, the National Library of Estonia shall submit a request to the depositor to submit the copy and the depositor is required to enable making a copy.

(4) A web publication specified in clause 2 (2) 3) of this Act shall be submitted to the National Library of Estonia by forwarding a copy through the electronic depositing system created for forwarding the web publication or output-ready file and recording in the archives (hereinafter electronic depositing system).

(5) The output-ready file of a printed publication published for the first time in Estonia shall be submitted to the National Library of Estonia as a file of the output-ready file of the printed publication or a copy of an equivalent file that is transmitted through the electronic depositing system.

(6) If the printed publication has been published as a translation of a publication first published in a foreign state and it is not possible for the issuing body to submit the output-ready file of the printed publication due to its contractual obligations, subsection 8 (2) of this Act shall be applied.

(7) The output-ready material of a film shall be submitted to a legal deposit copy to the National Archives as a data carrier of the output-ready file, a file of the output-ready file or a copy of the equivalent file or by transmission of the copy through the electronic depositing system. The provisions of the Archives Act shall apply to the submission of the output-ready material of a film.

§ 8. Number of publications and their output-ready files to be submitted to legal deposit copy

(1) The following shall be submitted to a legal deposit copy:

- 1) four copies of printed publications;
- 2) two copies of Braille publications;
- 3) two copies of publications published on physical media, except printed publications;
- 4) one copy of web publications;
- 5) one copy of the output-ready file.

(2) If pursuant to subsection 7 (6) of this Act the output-ready file of a publication is not submitted, four copies of printed publications shall be submitted in addition to the ones specified in clause (1) 1) of this section, three of which shall be submitted to legal deposit copies and the National Library of Estonia shall prepare a digital legal deposit copy from one copy.

§ 9. Term for submission of publication and its output-ready file

(1) The publication and its output-ready file shall be submitted to a legal deposit copy at the earliest opportunity within 20 days as of the production of the first circulation part or the making accessible to the public for the first time.

(2) In the case specified in subsection 7 (3) of this Act the legal deposit copy of a web publication shall be submitted within 20 days after the relevant request has been filed by the National Library of Estonia.

(3) The output-ready material of a film shall be submitted to a legal deposit copy within one year after initial publicizing of the film in the Republic of Estonia.

§ 10. Costs of submission of publication and its output-ready file to legal deposit copy

The expenses related to the submission of a publication and its output-ready file to a legal deposit copy shall be paid by the depositor and the receiver of the legal deposit copy shall not pay any fee or compensation.

§ 11. Data submitted upon submission of publication and its output-ready file to legal deposit copy

(1) Upon submission to a legal deposit copy of a publication published on physical media the following data shall be submitted to the National Library of Estonia:

- 1) name or title of the issuing body (in the case of a natural person, the given name and surname);
- 2) the number of copies submitted for each title;
- 3) the size of circulation or the quantity imported for distribution.

(2) Upon submission of ephemera to a legal deposit copy the total number of copies to be deposited shall be submitted to the National Library of Estonia.

(3) Upon submission of a web publication and output-ready file to a legal deposit copy the name or title of the issuing body, producer or co-producer (in the case of a natural person, the given name and surname), the descriptive metadata, right of use, the structure of the object, technical metadata, and relationships shall be submitted to the National Library of Estonia or to the National Archives.

(4) Data specified in clause (1) 3) of this section are not public..

§ 12. Institutions preserving legal deposit copy

(1) The institutions preserving the legal deposit copy of a printed publication are:

- 1) the Estonian Literary Museum Archival Library;
- 2) the National Library of Estonia;
- 3) the Academic Library of Tallinn University;
- 4) the University of Tartu Library.

(2) The institutions preserving the legal deposit copy of a printed Braille publication:

- 1) the National Library of Estonia;
- 2) the University of Tartu Library.

(3) The institutions preserving the legal deposit copy of a publication published on physical media, except a legal deposit copy of a printed publication, are:

- 1) the National Library of Estonia;
- 2) the University of Tartu Library.

(4) The institution preserving the legal deposit copy of a web publication is National Library of Estonia.

(5) The institution preserving the legal deposit copy of an output-ready file of a printed publication is the National Library of Estonia.

(6) The institution preserving the legal deposit copy of the output-ready material of a film is the National Archives.

(7) The preserving institutions of an additional legal deposit copy of a printed publication specified in subsection 8 (2) of this Act are:

- 1) the Estonian Literary Museum Archival Library;
- 2) the National Library of Estonia;
- 3) the University of Tartu Library.

§ 13. Forwarding of legal deposit copy to preserving institution

(1) The National Library of Estonia shall forward the legal deposit copy to the preserving institution within five working days as of the receipt of the complete legal deposit copy.

(2) The expenses of the preserving institution related to the forwarding of the legal deposit copy shall be borne by the National Library of Estonia.

Chapter 3 Making legal deposit copy accessible

§ 14. Making accessible and use of legal deposit copy

(1) A legal deposit copy may be granted for use if the preserving institution is convinced in the adequate preservation of the legal deposit copy and the use of the legal deposit copy will not damage it.

(2) The preserving institution is required to ensure access to the information contained in a legal deposit copy as the first option through a digital copy of the legal deposit copy.

(3) The legal deposit copy of a publication on physical media may be used on-site at the preserving institution in the case there are no other copies in the collection of the preserving institution and such use does not damage the legal deposit copy.

(4) Home lending of a legal deposit copy of a publication on physical media is prohibited.

(5) The legal deposit copy of the web publication and output-ready file of a printed publication may be used at an authorized workplace.

(6) On the basis of the authorization of the copyright holder of the web publication and output-ready file a legal deposit copy may be made accessible to the public.

(7) In the case the publication or output-ready file is subject to destruction or the web publication is subject to deletion based on the court decision, a legal deposit copy is not subject to destruction or deletion.

(8) In the case specified in subsection (7) of this section access to a legal deposit copy is enabled on the basis of a request. The request shall be submitted to the preserving institution of deposit copy.

(9) If, on the basis of the court decision, it is prohibited to make the publication or its output-ready file accessible to the public, a person may request access to its legal deposit copy. The request shall be submitted to the institution preserving the deposit copy.

(10) The issuing body of the web publication submitted through the electronic depositing system or the output-ready file of a printed publication shall have the right to receive a free copy in the deposit format from the institution preserving the deposit copy and in the preservation format during five years as of the submission. After five years as of the submission of the web publication or the output-ready file of a printed publication a fee may be charged for the preservation format.

(11) The producer or co-producer of the output-ready material of a film submitted through the electronic depositing system shall have the right to obtain a free copy of the legal deposit copy.

§ 15. Processing of personal data contained in legal deposit copy

(1) If a legal deposit copy contains personal data, the personal data may be processed for the fulfilment of the objectives of this Act.

At the justified request of the data subject the making accessible to the public of the personal data contained in the legal deposit copy of the web publication shall be terminated..

(2) In the case the National Library of Estonia has not verified upon web archiving whether a web publication contains personal data, the web publication shall be made accessible to the public applying technical restrictions, which do not allow finding archived web publications by given name or surname of a person.

(3) If the making accessible to the public of a legal deposit copy has been terminated in the case specified in subsection (2) of this section, a person may, for the purposes of scientific research or study, apply for access to the legal deposit copy.

§ 16. Authorized workplace

(1) An authorized workplace means a computer terminal designed for in-house use of a digital legal deposit copy by using of which the making accessible to the public of the legal deposit copy or recording to external data carriers shall be precluded by using technical and physical means.

(2) Authorized workplaces are located in:

- 1) the Estonian Literary Museum Archival Library;
- 2) the National Library of Estonia;
- 3) the Library of Tallinn University of Technology;
- 4) the Academic Library of Tallinn University;
- 5) the University of Tartu Library.

Chapter 4

Preservation and statistic of legal deposit copy

§ 17. Preservation and waiver of preservation of legal deposit copy

(1) The institution preserving the legal deposit copy shall ensure the preservation, purposeful use and making accessible to the public of the legal deposit copy.

(2) A legal deposit copy shall be stored in the repository whose technical and climatic conditions ensure the preservation of the legal deposit copy and prevent damage and destruction thereof. A legal deposit copy shall be stored in the repository which has an electronic security alarm system and the automatic climate, fire alarm and fire-extinguishing system.

(3) Preservation of legal deposit copies of a web publication and output-ready file shall be guided by the resolution of the Government of the Republic established on the basis of clause 43⁹(1) 4) of the Public Information Act.

(4) A legal deposit copy shall be described and, where possible, marked in such a way as to be distinguishable from other publications in the collection of the institutions preserving the legal deposit copy.

(5) The institution preserving the legal deposit copy may withdraw from preserving the legal deposit copy for a long term if it does not affect the preservation of information valuable to the Estonian culture. The decision not to preserve for a long term shall be approved by the National Library of Estonia.

(6) The National Library of Estonia shall notify the issuing body individually of abandonment of preservation of the publication registered in the national bibliography and its output-ready file.

(7) A legal deposit copy the preservation of which is abandoned shall be destroyed or given to readers for use pursuant to the normal procedure with the consent of the issuing body.

§ 18. Registration and statistics of legal deposit copy

(1) The National Library of Estonia is required to register a legal deposit copy, except the output-ready material of a film, in the national bibliography database pursuant to the procedure established on the basis of clause 10 (1) 15) of the National Library of Estonia Act.

(2) The National Library of Estonia shall compile statistics of national publications on the basis of legal deposit copies, except for the output-ready material of a film.

(3) The output-ready material of a film shall be registered and the statistics compiled by the National Archives.

§ 19. Transfer of collection of legal deposit copies

Upon reorganization or termination of the activities of an institution preserving the legal deposit copy the collection of legal deposit copies shall be transferred to another institution preserving the legal deposit copy in coordination with the Ministry of Culture.

Chapter 5 Supervision

§ 20. State supervision

(1) State supervision over implementation of this Act shall be exercised by the National Library of Estonia, except in the case of the output-ready material of a film.

(2) State supervision over implementation of this Act related to the output-ready material of a film shall be exercised by the National Archives.

§ 21. Special measures of state supervision and rate of non-compliance levy

(1) A law enforcement body may implement a special measure of state supervision provided for in § 30 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

(2) Upon failure to comply with a precept the maximum rate of non-compliance levy applied pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act penalty shall be 1,500 euros.

§ 22. Administrative supervision

(1) Administrative supervision over implementation of this Act shall be exercised by the National Library of Estonia, except in the case of the output-ready material of a film.

(2) Administrative supervision over implementation of this Act by the National Library of Estonia shall be exercised by the Ministry of Culture.

Chapter 6 Implementing provisions

§ 23. Making accessible of current legal deposit copy

(1) The number of legal deposit copies exceeding the number of legal deposit copies specified in § 8 of this Act submitted before entry into force of this Act shall be transferred after a period of five years as of the entry into force of this Act to the readers in the preserving library for use in the normal procedure unless they are needed to complement the collection of another preserving institution specified in § 12 of this Act.

(2) In libraries, where legal deposit copies shall no longer be deposited pursuant to this Act, the legal deposit copies collected earlier shall be granted to the readers for use in the normal procedure after five years as of the entry into force of this Act unless they are needed to complement the collection of another preserving institution specified in § 12 of this Act.

§ 24. Provisions of amending other acts have been omitted from the translation.

§ 25. Repeal of Legal Deposit Act

The Legal Deposit Act shall be repealed.

§ 26. Entry into force of Act

This Act enters into force on 1 January 2017.

Eiki Nestor
President of the Riigikogu